



PRELIMINARY STATEMENT

on July 13, 2018 defendants filed a ~~Reply~~ ^{Denied} Plaintiff's response to defendants motion for summary judgement - Plaintiff was ~~supposed~~ to submit a sur-reply memorandum of law to address the arguments made in defendants reply to Plaintiff opposition to summary judgement and to further support his motion, now Plaintiff submit these arguments as an objection to magistrate judge Hummel's report & recommendation of 12/18/2018.

DEFENDANTS MOTION FOR SUMMARY JUDGEMENT

WAS NOT MADE IN FULL COMPLIANCE WITH THE

Defendants Motion must be denied because it was made after the November 14, 2017 deadline for motions without request for extension of time, or showing good cause for the delay in filing summary judgement motion after deadline, pursuant to Fed.R.Civ.P. 16(b)'s requirement that scheduling "shall not be modified except upon a showing of good cause". Fed.R.Civ.P. 16(b)

Plaintiffs July 17, 2017 Motion to Amend his complaint is not an excuse for deferring

Defendants failure to comply with the Motion Deadline for SUMMARY JUDGEMENT Dated and set for November 14, 2017, and the courts sympathy should not deepen to the point of providing the defendants with a motion for SUMMARY JUDGEMENT now.

AS RULE 16(b)'s requirement that scheduling orders "shall not be modified except upon a showing of good cause. Defendants failed to request an extension of time to file SUMMARY JUDGEMENT or show good cause that SUMMARY JUDGEMENT ~~should~~ Motion should be provided 90-120 days later - a mere blanket statement (in a cross-motion to dismiss pursuant FRCP 12(c)) that plaintiff failed to exhaust his remedies is not good cause for a deadline court-ordered modification of the deadline without even a request for an extension of time to file motion for SUMMARY JUDGEMENT,

Therefore defendants motion for SUMMARY JUDGEMENT must be denied as untimely pursuant to Fed.R.Civ.P Rule 16(b) also see Parker V Columbia Pictures Industries, 204 F.3d 326 (2000)

Defendants allege that plaintiff only filed five grievances while housed at Eastern C. F., Dkt 174-2115; Dkt No 174-13 (Black Decl)

Plaintiff through grievance exhibits will prove to the court that he filed 30 or more grievances and he exhausted his administrative remedies before he filed this action.

By Mr Black declaring "that a review of the inmate records for grievances at Eastern demonstrated that plaintiff filed five grievances while housed at Eastern between December 2014 and February 2015.

Plaintiff will now show that Mr Black Declaration is a lie and further attempt to prevent Plaintiff from receiving his remedy.

On December 10, 2014 plaintiff filed grievance ECF - 26147-14, alleging that he 1) received misbehavior reports, was keeplocked and harassed and retaliated against by staff because of his religious hairstyle. Staff replied and grievance was filed. See exhibit A 1st grievance

On December 14, 2014 plaintiff filed a grievance on security captain for covering up for officers. Plaintiff filed a second grievance on captain on 12-15-14

see exhibit B 2nd grievance and reply from security captain, Attached 3rd Grievance, that was never filed.

on 12-20-14 plaintiff filed a grievance against Dep Russo for falsifying documents in grievance investigation pertaining to plaintiffs hairstyle. See exhibit C 4th grievance, this grievance was not filed, purposely by IGP supervisor (at Eastern) Mauro to cover up for high officials.

on 1-23-15 plaintiff wrote a grievance on IGP supervisor for failing to file my grievance against Dep of Security Russo see exhibit D 5th grievance. IGP supervisor failed to file this grievance as well even though he replied to it

on 12-14-14 plaintiff filed a grievance on officer cruz for verbal Harassment see exhibit E 6th grievance with reply attached.

On December 23, 2014 plaintiff wrote a grievance on Sgt Bey for Harassment, pursuant to Directive 4040 superintendents are to handle harassment grievances. This grievance was never filed or forwarded to superintendent by IGP supervisor and Superintendent was a part of covering up any way. see Exhibit F 7th grievance

on December 24, 2014 plaintiff wrote a grievance on Diane Labatte Steward for failure to mail out his mail to supervisory officials and the court. IGP supervisor failed to file it properly. as you could see the reply from Miss Labatte exhibit 6 8th Grievance

on January 18, 2014 plaintiff wrote a grievance on IGP supervisor Mause for failing to file the grievance against Miss Labatte see exhibit H 9th Grievance with attached reply from Mr Mause in an attempt to cover up his wrongdoing and Miss Labatte's wrongdoing this grievance was not filed either.

on December 26, 2014 plaintiff wrote a grievance against the superintendent for allowing officers and supervisory officials at Eastern violate plaintiff's constitutional rights. plaintiff file2 grievance with IGP supervisor and sent grievance to Commissioner, nothing was filed see exhibit I 10th Grievance.

plaintiff wrote a grievance requesting to be moved to a cell where he could set his feet up treys without having to climb as plaintiff fell and injure his self. this grievance was written on 12-25-14 at the Hospital on 12-26- plaintiff was released from the prison Hospital, and on said date plaintiff was moved to a cell on the first level where officers could open his cell and plaintiff could grab his foot Treys. see exhibit J

11th Grievance with internal movement History display sheet attached.

on January 8, 2015 plaintiff wrote a grievance pertaining to phone issues see exhibit k 12th Grievance with attached

Reply from officials plaintiff grievel.

on ^{February} ~~December~~ 12, 2015 plaintiff wrote a grievance against officer Rodriguez for making Homosexual comments to plaintiff see exhibit L 13th Grievance with reply attached.

on January 18, 2018 plaintiff filez a grievance against dep wendland. ISP Mauro

failed to forward or file plaintiff's grievance and superintendent was covering up for his subordinates. Plaintiff wrote a grievance against the superintendent and IAP supervisor Mauro pertaining to this grievance see exhibit D and exhibit I. exhibit D - grievance against IAP supervisor, exhibit I grievance against superintendent.
see exhibit M 14th grievance dep wendland

on January 18, 2015 plaintiff wrote a grievance against Lt Sullivan for making Plaintiff hairstyle a tier III violation. IAP supervisor failed to file it and superintendent was covering up for his subordinate and Plaintiff wrote grievances pertaining to these issues against IAP Mauro for failing to file Plaintiff's grievance and against superintendent for covering up for his subordinates. See exhibit D grievance against IAP supervisor and exhibit I grievance against superintendent. exhibit N 15th grievance Lt Sullivan.

on 1-18-15 plaintiff filed a grievance against Sgt Bey for conspiring with Dep Wenzland at plaintiffs disciplinary hearing. see exhibit N 16th Grievance. this grievance was not filed purposely in order for IGP Mauro and superintendent to cover up for high ranking officials. plaintiff wrote a grievance on IGP supervisor see exhibit O and superintendent see exhibit I for failing to file plaintiffs grievance, and covering up for officials.

on 1-18-18 plaintiff filed a grievance against captain webbe for conspiring with Lt Sullivan to give plaintiff a tier III for his hairstyle, sending Sgt Bey to harass plaintiff and threaten plaintiff. see exhibit O 17th Grievance This grievance was not filed in attempt to denote plaintiff exhaustion. plaintiff wrote a grievance against IGP supervisor Mauro about this issue see exhibit O and against superintendent for covering up for official see exhibit I

on february 24, 2015 plaintiff wrote a grievance against s.o. epaz superintendent for failing to move plaintiff from west wing where c.o. cruz sexually touched plaintiff, after superintendent was made aware, see exhibit P 18th grievance. this grievance was not filed in an attempt to cover up for officials. plaintiff wrote a grievance on IGP supervisor for failing to file plaintiffs grievances in the past see exhibit D grievance against IGP supervisor.

on January 23, 2015 plaintiff wrote a second grievance against Diane labette see exhibit Q 19th grievance exhibit G first grievance on Miss labette. both grievances were not filed in a cover up attempt and they weren't forwarded. plaintiff wrote a grievance against IGP supervisor for failure to file plaintiffs grievance see exhibit H grievance against IGP Mauro.

on 2/12/15 plaintiff wrote a grievance on sgt cerciari pertaining to sgt cerciari attempting to intimidate plaintiff from using grievance system to see exhibit R 20th grievance with attached reply by sgt cerciari.

February 12,
on ~~January 28~~ 2015, plaintiff wrote a grievance about being moved to west wing with C.O. CRUZ who sexually touched plaintiff on two occasions. and plaintiff filed complaints pertaining to this issue. See exhibit S (21st grievance), that was not filed. plaintiff wrote grievances against IAP MAURO for failure to file plaintiff's grievances in the past. and Superintendent was covering up for his subordinates.

on February 12, 2015 plaintiff wrote a grievance on officer KOZAK for writing plaintiff a false misbehavior report this grievance was not forwarded to C.O.R.C and labeled a 49- to go directly to Superintendent. see exhibit T 22nd grievance

on February 12, 2015 plaintiff wrote a grievance against officer CRUZ for sexual touching. see exhibit U 23rd grievance

on February 12, 2015 plaintiff wrote a grievance against C.O. CRUZ for sexual touching and Harassment. see exhibit V 24th grievance

on December 18, 2014 plaintiff wrote a grievance against dep RUSSO see exhibit W

25th Grievance this grievance was not filed plaintiff wrote a grievance against IGP Mauro and superintendent for failing to hold officials accountable see exhibit D IGP Mauro grievance see exhibit I inmates superintendent grievance.

On January 2, 2015 plaintiff wrote a grievance about confinement issues 1) getting his food up to a hour late due to e.o.s failure to open his gate, on 1-8-15 plaintiff was moved to a cell where he could receive his food treys through a feed up slot. 2) on 1-8-15 plaintiff also wrote a grievance, inside the same grievance pertaining to state clothing issue, plaintiff not having state pants and being left to wear the same state pants for a month, on 1-26-15 plaintiff was escorted to state shop by the sgt to receive new state pants. see exhibit X, 26th grievance with attached Internal Movement History. Therefore these issues were exhausted. Resolution through informal channels satisfies the exhaustion requirement, grieving through informal channels is an available remedy. see Marvin v Goord, 225 F.3d 40, 43 n.3 (2d Cir. 2001)

on 1-8-15 plaintiff wrote a grievance on sgt Bey this grievance was never filed. See exhibit y 27th grievance plaintiff filed grievances against the IGP supervisor

for failing to forward aforementioned grievance see exhibit D plaintiff also wrote a grievance against the Superintendent for Blatant cover up of his subordinates see exhibit I

on January 8, 2015 plaintiff wrote a grievance about the freezing cold conditions in His Housing unit against the area Sgt, Due to construction and broken windows. See exhibit 2 28th grievance on 1-26-15

Plaintiff was moved to west wing unit out of the cold into a cell with a Heater, therefore this issue is exhausted. resolution through informal channels satisfies the exhaustion requirement, grieving through informal channels is an available remedy see Marvin v Goord 225 F.3d 40, 43 n.3 . also see internal Movement sheet and Reply to grievance attached.

on January 8, 2015 plaintiff wrote a grievance on his tier Assistant. this grievance was never filed see exhibit A 1 29th grievance. plaintiff wrote a grievance against IAP Mauro for failing to file said grievance see exhibit D and plaintiff wrote a grievance on superintendent for allowing Plaintiff grievances to be blocked. See exhibit I

on February 24, 2015 plaintiff wrote a grievance against Dep Kalao - this grievance was never filed. plaintiff wrote a grievance on IGP supervisor about the affirmations. See exhibit D plaintiff also wrote a grievance against the superintendent for covering up for his subordinates see exhibit I, grievance against Dep of Programs for denying plaintiff access to the court is exhibit B1 30th grievance

on December 25, 2014 plaintiff filed a grievance on SAT Bey for Retaliation, Harrasment and admitting that his supervisors sent him. See exhibit C1 31st grievance, IGP supervisor failed to forward Plaintiff's grievance. Plaintiff wrote a grievance against IGP supervisor exhibit D and superintendent failed to file plaintiff grievance as well, as this was a superintendents grievance see exhibit I

PLAINTIFF CONTENDS THAT HE EXHAUSTED HIS ADMINISTRATIVE REMEDIES PURSUANT TO - (PLAIA).

Plaintiff admits to to commencing this action on April 2, 2015 before CORC's final determination of April 29, 2015. Plaintiff misinterpreted the grievance directive that stated CORC's deadline, and in so plaintiff interpreted 30 days for CORC's decision that had elapsed as a denial and therefore filed his suit. Plaintiff's misinterpretation should not amount to dismissal see Hemphill, 380 F.3d at 686 also see e.g. Gierso v Goord 380 F.3d 670, 675-76 (2d Cir. 2004)

Further defendants are estopped from using exhaustion as an affirmative defense due to defendants ongoing harassment and retaliation of plaintiff and IGP Mauros dedication to cover up for defendants by failing to forward or file plaintiff's grievances at all or in

an attempt to stall the grievance process.

Plaintiff filed a grievance on December 11, 2014 that IGP Mauro failed to forward.

Plaintiff filed a grievance ~~on~~ November 9, 2014

that IGP Mauro failed to forward about Retaliation, Fourth Amendment violations, Denial of Religious exercise and freedom of expression. Pursuant Directive 4040 grievance policy, this grievance suppose to go to the Supt and then after 21 days forward to CORE.

Instead the Supt sends his subordinates to investigate and his subordinates covers up for the defendants and IGP supervisor and Supt stalls the decision and cover up for defendants as well.

Then CORE stalls making a grievance Remedie impossible, and this process is do purposely to hinder future prisoners suits. See *sandler v poole* 575 F.Supp. 2d 484, 488 (W.D.N.Y. 2008)

Furthermore plaintiff contends that the actions he complains of is properly classified as a single, momentary matter in which case no exhaustion is required.

The circumstances complained of does not affect everyone in the prison community for example, food, clothing, housing, recreational facilities. See Neal v Goord, 267 F.3d 116 (2001) see Lawrence, 238 F.3d at 186, SEE NUSSLE, 224 F.3d at 106.

As explained in Lawrence, "the underlying principles requiring exhaustion - giving notice ~~to~~ to administrators and allowing policy makers to change their behavior - are not served when a practice is aimed at one specific inmate rather than the prison population as a whole" 238 F.3d at 186

As plaintiff was found Not guilty of refusing to cut his hair which is a religious symbol and freedom to express his self as an individual by

his hairstyle all further acts of punishment was Retaliation and Harassment because plaintiff had a Mohawk - all Defendants worked in Catvites to punish Plaintiff because Lt Madison did not like his hairstyle. this is particularized instances ~~that~~ of misconduct directed at Plaintiff which falls outside the general living conditions of the facility see Lawrence, 238 F.3d at 185-86 it is appropriate to conclude plaintiffs allegations do not fall in the purview of § 1997 e(2)

1) Defendant Madison told Plaintiff to cut his Mohawk hairstyle on or (November 2, 2014) around said date. at that time Plaintiff Made Defendant Madison aware that he had a sincerely held religious belief that required the wearing of a Mohawk as a symbol. on November 9, 2014 defendant Madison sent his subordinate C.O Skred to keeplock Plaintiff for his hairstyle. on or around November 14, 2014 Plaintiff was found Not guilty for his hairstyle being in a Mohawk at a Tier-II hearing held by LT Simmons;

Community. these actions are classified as single, momentary, matters Even though ongoing exhaustion is not required see Neal v Aard, 267 F.3d 116 (2001) see Lawrence, 238 F.3d at 186 See Nussle, 224 F.3d at 106. 2) Defendants Lee, Russo, Madison, Simmons, Sullivan, Wendland, Webbe, Bey, Vang-Cote, Vaughn, Miller, Williamson, and Cruz violated plaintiffs FIRST AMENDMENT const right to the freedom of Religion by writing/Authoring, Affirming, or co-signing Tier II and Tier III Misbehaviors Report and punishing plaintiff by keeplock confining plaintiff to S.H.U restriction and harsher because plaintiff has a Mohawk haircut that all named defendant were aware that plaintiff could have as his hairstyle was not a threat to the safety security or order of the facility see Benjamin v. Coughlin 905 F.2d 571 (2d Cir. 1990). plaintiffs First Amendment Right to the freedom of expression was also violated - Defendants were aware of plaintiffs rights and violated those rights knowingly, and with wanton Disrespect for the law of the land and plaintiffs jurisdiction under such law,

as a citizen of the United States of America and a son, grandson and nephew of military veterans, these violations were not directed at the prison community. These actions are classified as single, momentary matters even though ongoing exhaustion is not required.

See *Nest v Goord*, 267 F.3d 116 (2001) see *Lawrence*, 238 F.3d at 186 See *Nussle*, 224 F.3d at 106.

3) Defendants Chico, Jennings, and Labatte denied Plaintiff access to the courts by refusing to permit law clerk inmates to assist Plaintiff in preparing his case for a civil action that was meritless. Causing Plaintiff to lose that claim, denying Plaintiff copies, and interfering with Plaintiff's legal ~~work~~^{mail} and mail to DOCCS Commissioners and Governor comprising about Plaintiff's violations mentioned in this claim. All aforementioned violations were done out of malice to prevent Plaintiff from filing suit and regarding Defendants Hirsch, Judd & their supervisor all violations did not affect the prison community, these actions are classified as single, momentary matters their full exhaustion is not required See *Nest v Goord*, 267 F.3d 116 (2001) see *Lawrence*, 238 F.3d at 186 See *Nussle*, 224 F.3d at 106.

4)-Defendants Webbe, Simmons and Lee violated plaintiffs constitutional Rights to Religious and Regular Reading Material. Plaintiff was punished for having Reading Material Both Regular Reading Material (magazines, Newspapers etc..) and religious reading Material Maliciously and deliberately to cause Plaintiff Hardship. The first Amendment protects plaintiffs right to get reading material Plaintiff was Denied this right for no penological reason See Procunier v Martinez, 416 U.S. 396 (1974) Thornburgh v. Abbott, 490 U.S. 401, 404 (1989) Also all violations resulted in a Tier II or Tier III disciplinary hearings that had an Appeal Mechanism therefore exhaustion is not required pursuant Directive 4040 in accordance with (PLRA) standards. 5) Defendants Connor, Williamson and Cruz violated plaintiffs FOURTH Amendment rights frisking, strip searching, and searching plaintiffs cell for no penological reason, Affirmations 2 searches were done to Plaintiff only as Retaliation for Plaintiff wearing a Mohawk hairstyle and writing grievances. these instances of violations did not effect the Prison community - these actions are classified

as single, momentary matters directed at Plaintiff therefore exhaustion is not required. See Neal v. Goark, 267 F.3d 116 (2001). See Lawrence, 238 F.3d at 186. See Nussle, 224 F.3d at 106. b) Defendants Lee, Webbe, Simmons, Sullivan, and Wenzland violated Plaintiff's Eighth Amendment right by failing to provide Plaintiff with extra clothing or blankets to ensure the cold weather that was coming in his cell from broken windows that were under construction in or around January 2015, also Plaintiff was confined to a cell with urine and feces on the toilet, and green glass of spitters and dirt and dust on the floor without being provided with cleaning supply, Plaintiff was also denied cleaning his clothing and only had one change of clothing and was confined to a cell with no seat up slot forcing Plaintiff to climb up the cell bars to receive food. All of these issues were formally resolved at the facility pursuant to DIR 4040 therefore exhaustion was required in accordance with PLRA. 7) Defendant Cruz

used excessive force against plaintiff and frisked plaintiff in a sexual manner. These incidents are single, momentary matters directed ~~at~~ at plaintiff and does not effect the prison community. (Also sexual Harassment claims do not need to be exhausted pursuant to Directive 4040 in accordance with (PLRA) Act zero tolerance.) See Neal v Goord, 267 F.3d 116 (2001) see Lawrence, 238 F.3d at 186 see Nussle, 224 F.3d at 106 8) Defendants Lee, Webbe, Russo, Simmons, Wendland and Sullivan violated plaintiffs Fourteenth Amendment rights to due process by failing to be fair and impartial ~~at~~ at Tier II and Tier III disciplinary hearings. Since there is an Appeal mechanism for disciplinary hearing decisions, exhaustion is not required pursuant to Directive 4040 in accordance with (PLRA STANDARDS) 9)

Plaintiff made supervisory claims against Defendants Lee and Annuck. Defendant Lee directly participated in violating plaintiffs constitutional right to religion, due process, and harsh confinement by restricting plaintiff from wearing his sincerely held religious hairstyle and allowed his subordinates to violate

plaintiffs right to religion defendant Annucci learned of the violation of plaintiffs rights and failed to do anything to fix it see Ashcroft v Iqbal, 129 S.Ct 1937 (2009) as these rights were violated by unconstitutional policies under defendant Annuccis control.

Due to plaintiffs grievance issues with IGP supervisor failing to file grievances and superintendent failing to file grievances, CORC supervisor Seguin covering up in the declaration about plaintiff only filing 5 grievances when plaintiff clearly showed the filing of 31 grievances that were never processed and correspondence throwing away plaintiff mail to C.O.R.C. Plaintiff had no way to effectively exhaust his remedies.

Furthermore plaintiff never used circumventing procedures by submitting a backdoor appeal, to C.O.R.C. Plaintiff filed all grievances with IGP, and superintendent. Both offices failed to file plaintiffs grievances or process

plaintiff grievances in accordance with PLRA standards.

IGP supervisor stated he was consolidating all plaintiffs grievances after plaintiff submitted letter to his office to be forwarded to C.O.R.C

If you notice none of the grievance have different numbers they all have the same 2 numbers with different filing dates. why is that? because they were not being filed properly.

plaintiff filed grievances against IGP supervisor see exhibit D and H the IGP supervisor refused to follow NYCCR 71 § 701.5(d)(3)(i) therefore plaintiff was blocked from contacting IGP supervisor to confirm that his appeal was filed and transmitted to C.O.R.C.

Therefore C.O.R.C's approximate four month delay in ECF-26147-14 and three month delay in ECF-26217-15 excuse plaintiff from the exhaustion requirement Henderson v. Annucci No 14-cv-4454 2016 WL 3039687 (S.D.N.Y. Mar 14, 2016)

complaints about the handling of a disciplinary hearing by correction officials are non-grievable under applicable regulations because there is a separate administrative appeal process for disciplinary actions. N.Y. comp. codes, r. & reg's, tit 7 section 701.3(e)(2) Davis v. Barrett, 576 F.3d 129, 132 (2d Cir 2009) Plaintiff contends that he exhausted his administrative remedies by filing appeals contesting and complaining about hearing officers' actions in disciplinary hearings. Therefore all cause of actions against disciplinary officials must remain in accordance with Davis v. Barrett 576 F.3d at 132-33.

Due to plaintiff's keeplock status a hearing was held in absentia pertaining to plaintiff confinement issue, a 99t was assigned to handle these issues, therefore instead of resolution in 16 days it may be 21-28 day because of keeplock status sometimes quicker. See exhibit

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on March 27, 2015 OFFICER CRUZ sexually touched plaintiff and subjected

plaintiff to excessive force. outside the hearing office, before plaintiff went inside the hearing to see Lt Simmons for a disciplinary hearing. while inside the hearing plaintiff made Lt Simmons aware of the affirmations as plaintiff had an obvious knot on his heel. Lt Simmons reported the sexual touching. and told plaintiff not to report the excessive ^{force} he'll only make things worse on his self. on the same day March 27, 2013 Lt Simmons move2 plaintiff to another Housing unit exactly B-Block. from west wing where Cruz worked. see exhibit E-I Internal Movement history.

In so far as plaintiff becomes subject to dismissal for filing complaint before exhausting grievance Number ECF-26217-15 Exhibit F-1 and ECF 26147-1Y Exhibit G-I plaintiff request permission to reinstitute complaint as plaintiff's administrative remedies are exhausted at this time. further administrative remedies were

unavailable, even though in writing the grievance process is a good mechanism but in real life its a dead end, with officers and officials unwilling to provide any relief to aggrieved inmates, administrative scheme is opaque by refusing to hear inmates side and consider inmates evidence but totally side with officials, prison administrators thwarted plaintiff from taking advantage of the grievance process through mechanism, and misrepresentation. Example see exhibit D and exhibit H as well as exhibit 91 to show how IAP supervisor and C.R.C. communicate took the officials who plaintiff communicated work without looking at no evidence or considering plaintiffs grievance. therefore plaintiff exhausted his administrative remedies pursuant to Hempthill and Ross v Blake U.S

136 S. Ct 1850, 1862 (2016) also see

Ross, 136 S. Ct. at 1858,

plaintiff was denied his right to do a surreply by magistrate court and any argument they may seem new isn't plaintiff already has majority.

of his argument pre-written in hopes for a sur-reply at the Magistrate Court back in July to the AAC's Reply, which Plaintiff was denied.

Plaintiff is unable to receive copies to serve AAC Knapp Blake. Supervisors was aware of every facet of this complaint see exhibit H7 letters to Superintendent and copies to Commissioner Annuel, supervisors allowed the abuse.

Further plaintiff wrote his grievances on paper because he was keep locked and unable to get grievance forms from officers. So please don't construe plaintiff's grievance on paper as a letter. On the right hand corner it says grievance no and it also states action requested at the end of every grievance complaint which indicates grievance not letters. exhibit H7 is letters.

Therefore Defendants Motion for
summary judgement should be dismissed
in its entirety and plaintiffs complaint
scheduled for trial date.

January 2, 2018

Javell

I declare under the penalty of
perjury the foregoing is true.